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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,268	10/31/2003	John Deryk Waters	300204384-2	9198
22879	7590	07/12/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			NGUYEN, KIMBERLY D	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Office Action Summary**

Application No.

10/697,268

Applicant(s)

WATERS, JOHN DERYK

Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>         Paper No(s)/Mail Date <u>10/31/03</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>         Paper No(s)/Mail Date. ____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: ____.</p> |
|--|---|

## **DETAILED ACTION**

### ***Amendment***

1. Acknowledgment is made of Preliminary Amendment filed October 31, 2003.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in United Kingdom on November 21, 2002. It is noted, however, that applicant has not filed a certified copy of the 0227152.6 application as required by 35 U.S.C. 119(b).

### ***Information Disclosure Statement***

3. The information disclosure statement filed October 31, 2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the Document Numbers of the references are invalid. However, correct references have been cited in USPTO-892 (paper no. 050708).

### ***Specification***

4. The abstract of the disclosure is objected to because the abstract should be limited to a single paragraph. Correction is required. See MPEP § 608.01(b).
5. The disclosure is objected to because of the following informalities:

Re page 4, lines 5 and 21: The reference item "D3" is not in the Drawing and should be substituted with "D2".

Appropriate correction is required.

### ***Claim Objections***

6. Claim 7 is objected to because of the following informalities:

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Re claim 7, line 1: Substitute “on single semiconductor chip” with “on a single semiconductor chip”.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-5 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitai et al. (US 6,394,347; hereinafter “Kitai”).

Re claims 1, 3 and 10: Kitai teaches a memory tag (100 in figs. 1-2 and 9) having a non-volatile memory (101) in which in use data is stored, an antenna coil (102) and power supply circuit (407 in fig. 9) such that in use the memory tag is powered by inductive coupling (fig. 9; col. 4, lines 16-34), wherein the memory tag (100) also includes a sensor (optical recording region 103) for receipt of transmitted light carrying input signals (e.g., “...information can be recorded in or reproduced from the optical recording region 103 by way of the optical head unit 501...” col. 5, lines 57-64) and a processor (410 in fig. 9) for processing of the received input signals, and a modulation circuit for overlay of output signals onto the power supply circuit (e.g., “...The information that has been read is then modulated by an oscillator (not shown) of the IC memory region 101 and transmitted to the antenna coil 120 of the reader/writer 121 ... by

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electromagnetic induction by way of the antenna coil 102.” col. 4, lines 41-46) (col. 3, line 57 through col. 4, line 50; col. 2, lines 9-18; col. 5, line 41 through col. 6, line 9; col. 10, line 60 through col. 11, line 10).

Re claims 2 and 4: Kitai teaches the output signals are sent via the inductive coupling (e.g., “When reproducing information from the hybrid card ... is transmitted to the antenna coil 102 of the hybrid card by way of the antenna coil 120...” col. 4, lines 35-50) in response to input signals received optically (e.g., “...information can be recorded in or reproduced from the optical recording region 103 by way of the optical head unit 501...” col. 5, lines 57-64; col. 4, line 51 through col. 5, line 40).

Re claim 5: Kitai teaches the processor (410) further controls the memory and the sensor (103) (see fig. 9; col. 11, lines 4-10).

Re claim 8: Kitai teaches a read/write device (121 in figs. 2 and ), for communicating with the memory tag (100), having a signal generator, an antenna coil (120) and a power supply circuit for powering the memory tag in use by inductive coupling (col. 4, lines 16-50), and wherein the read/write device further includes a light emitter (110 in fig. 6; col. 7, lines 45-65) for emission of the light carrying the input signals to the memory tag (100), and a demodulation circuit for retrieval of the output signals from the inductive coupling (“The transmitted information is then demodulated by the reader/writer 121 for the IC memory region. Thus, information can be recorded and reproduced by means of electromagnetic induction as described above briefly.” col. 4, lines 46-50) (col. 6, lines 48-57).

Re claim 9: Kitai teaches the read/write device (121) further includes a processor (106 in fig. 9) for controlling the light emitter (col. 6, lines 48-57).

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*Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitai et al. (US 6,394,347) in view of Mizuta (5,300,765). The teachings of Kitai have been discussed above.

Although, Kitai teaches the memory tag (100) having an optical recording region (103 in fig. 1B), which serves as the sensor, for optically recording information (col. 4, line 51 through col. 5, line 24).

Kitai fails to specifically teach or fairly suggest the sensor is a CMOS light sensor.

Mizuta teaches a memory card with a built-in semiconductor memory element, wherein the memory means including a CMOS type electric field effect transistor (col. 2, lines 10-38; col. 2, line 57 through col. 3, line 38), which serves as a CMOS light sensor.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the well known CMOS within the memory card as taught by Mizuta to the teachings of Kitai in order to provide low an electric power consumption for various applications within the memory card (Mizuta, col. 1, lines 12-25).

### *Conclusion*

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Usami (US 6,376,040) teaches an optical information medium, optical information recording method, and optical information reproducing method. Clothier (US 6,320,169) teaches method and apparatus for magnetic induction heating using radio frequency identification of object to be heated.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'KDN', with a stylized flourish extending from the end.

KDN

July 9, 2005